

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Joseph R. BYRUM *et al.*

Appl. No.: 09/669,817

Filed: September 26, 2000

For: Nucleic Acid Molecules and Other Molecules Associated with Plants

Confirmation No.: 5384

Art Unit: 1638

Examiner: Ashwin D. Mehta

Atty. Docket: 16517.315

**Notice of Appeal from the Examiner to the
Board of Patent Appeals and Interferences**

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed October 8, 2004, that resulted in Applicants having claims that have been twice or finally rejected.

Authorization to charge the official fee for this filing is given in the accompanying transmittal letter.

01/11/2005 ZJU HAR1 00000063 09669817

01 FC:1401 500.00 DA

Date: January 10, 2005

Of Counsel:

Lawrence M. Lavin, Jr. (Reg. No. 30,768)

Thomas E. Kelley (Reg. No. 29,938)

Correspondence Address:

Monsanto Company

Patent Department E2NA

800 N. Lindbergh Boulevard

St. Louis, Missouri 63167

Tel: 314-694-1000

Fax: 314-694-9009

Respectfully submitted,

Thomas E. Holsten (Reg. No. 46,098)

David R. Marsh (Reg. No. 41,408)

Arnold & Porter LLP

555 Twelfth Street, N.W.

Washington, DC 20004

Tel: 202-942-5000

Fax: 202-942-5999

ARNOLD & PORTER LLP

Thomas E. Holsten
Thomas_Holsten@aporter.com

202.942.5085
202.942.5999 Fax

555 Twelfth Street, NW
Washington, DC 20004-1206

January 10, 2005

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Art Unit: 1638
Examiner: A.D. Mehta
Conf. No.: 5384

Re: U.S. Patent Application No. 09/669,817 filed September 26, 2000
Inventors: Joseph R. BYRUM *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Atty. Dkt: 16517.315

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

1. Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences; and
2. Return postcard.

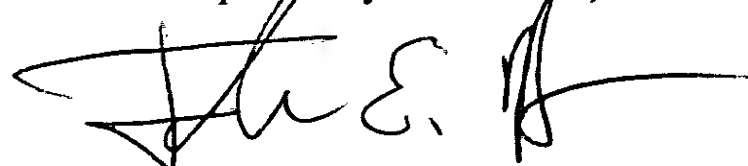
It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

Authorization is hereby given to charge the statutory fee of \$500.00 for filing a Notice of Appeal to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 16517.315. A duplicate copy of this letter is enclosed.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any additional fees are due in conjunction with this filing. However, if any fees are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 16517.315.

01/11/2005 ZJUHA1 00000063 502387 09669017
01 FC:1401 500.00 DA

Respectfully submitted,



Thomas E. Holsten (Reg. No. 46,098)

Enclosures